

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/616,692
Applicant : Jodi Nelson
Filed : September 20, 2005
Title : Compositions and Methods for the Treatment of Parkinson's
Disease and Tardive Dyskinesias
Group Art Unit : 1614
Confirmation No : 1639
Examiner : Dwayne C. Jones
Docket No. : 47-00 B
Customer No. : 23713

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 EV642818313US

On November 17, 2005


STEPHANIE LOTWIS

RESPONSE TO REQUIREMENT FOR RESTRICTION

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement of September 1, 2005, applicants elect Group II, claims 1-13, drawn to a method of making and using a pharmaceutical, with traverse. The elected species is treating drug-induced dyskinesias with chloroquine phosphate and cimetidine. It is understood that if the Examiner finds this species allowable, he will examine the remaining species.

It is submitted that the Restriction Requirement is improper and should be withdrawn.

With respect to Groups II through V, claims 1-33, these allegedly separate inventions are all classified in the same class and subclass, and thus no undue burden is imposed on the Office by searching and examining them together.

With respect to division of Group I from Groups II-V, the Office Action alleges that the process for using the product as claimed can be practiced with another materially different product, such as with the administration of L-Dopa or deprenyl. This is incorrect.

The process for using the product as *claimed* requires using the compositions specified in the claims.

With respect to division between Groups II and III-V, the Office Action alleges that the inventions are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects. The Office Action states:


In the instant case the different inventions for example a method of treating an ailment of a psychotic disease schizophrenia, as in claim 14, not only has different modes of operation than treating a movement disorder, such as Parkinson's disease, as in claim 9, and also is not required to treat both ailments at once, which shows that these inventions, as well as the inventions of Groups IF and V, are in fact capable of not being used together.

To the extent this statement is understood, it is pointed out that the Office Action provides no reasoning why it should not be possible to treat both conditions together if a patient were suffering from both conditions.

Withdrawal of the Restriction Requirement is respectfully requested.

A Petition for Extension of Time of two months accompanies this Response together with a check in the amount of \$225.00. It is believed that this Response does not necessitate the payment of any additional fees under 37 C.F.R. 1.16-1.17. If the amount submitted is incorrect, however, please charge the necessary amount for this Response or any extension of time required to Deposit Account No. 07-1969.

Respectfully submitted,



Ellen P. Winner
Reg. No. 28,547

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